

REMARKS

Claim 22 has been amended to specify that the polyester component of the cross-linked copolymer is present in an amount between 75% and 99% by weight as in original claim 1. Claim 24 has been amended to clarify that a cross-linked polymer is formed when the aqueous dispersion is heated during drying. In paragraph 1 of the Office Action the applicant gratefully notes that the Examiner states that, claims 1, 3-21, 32, 34, and 35 are allowed.

In paragraph 2 of the Office Action, claim 29 stands objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and intervening claims. However, it is respectfully urged that the claims no longer be objectionable in view of the above amendments to claim 22 and the following remarks.

In paragraph 3 of the Office Action, claim 24 stands rejected under 35 USC 112 (2) as being indefinite since it cannot be determined if the copolymer is actually cross-linked. Claim 24 has been amended to clarify the a cross-linked polymer is formed when the aqueous dispersion is heated during drying. This amendment to claim 24 is supported by the original claims of the invention and clarifies that the copolymer is cross-linked. Therefore, the 35 USC 112(2) rejection as being indefinite should be reconsidered and withdrawn.

In paragraph 4 of the office Action, claims 22-28, 30 and 31 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over the patent to Taniguchi et al. According to the Examiner:

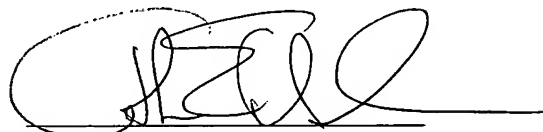
This patent teaches the equivalence of seventeen resins including polyester, polyurethane and polycarbonate as dye receiving material. While copolymers of these resins are suggested and the advantages of cross-linking are discussed, there is no recognition that a particular cross-linked copolymer (i.e., polyester/polyurethane) selected from this group of seventeen resins provides superior results (see Table 1 in the specification). Claims 22-28, 30 and 31 are not commensurate in scope with this showing since the copolymer is not cross-linked.

Claim 22 has been amended to specify that the polyester component of said cross-linked copolymer is present in an amount between 75% and 99% by weight. Taniguchi et al. does not teach or suggest the use of polyester with a cross linked copolymer. The instant invention demonstrates the need for a cross-

linked copolymer in the examples at pages 23 and 24 of the specification. The examples of the specification demonstrate the advantage of using cross-linked polyester copolymer materials. The examples show that the dye-receiving layers were able to resist dye donor element sticking without the need for lubrication chemistry. There is no teaching or suggestion to modify Taniguchi et al. to reach the instant invention. Taniguchi fails to suggest the use of cross linked polyester copolymer materials. Therefore, it is respectfully requested that the rejection under 35 U.S.C. 103 (a) as being unpatentable over the patent to Taniguchi be reconsidered and withdrawn.

In view of the following amendments and remarks, it is respectfully requested that the outstanding rejections and objections be reconsidered and withdrawn and that an early Notice of Allowance be issued in this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. Kluegel', written over a horizontal line.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.